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IFW 3426

PTO/SB/21 (09-04)

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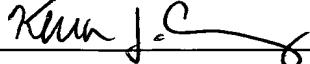
(to be used for all correspondence after initial filing)

		Application Number	09/825533-Conf. #9781
		Filing Date	April 2, 2001
		First Named Inventor	Michael R. HUFFORD
		Art Unit	3626
		Examiner Name	Martin A. Gottschalk
Total Number of Pages in This Submission	3	Attorney Docket Number	IVQ-002

ENCLOSURES (Check all that apply)

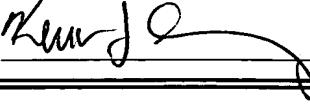
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Appendix A listing pending claims
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

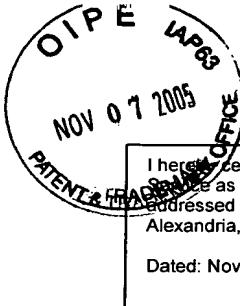
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

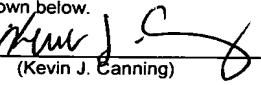
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Kevin J. Canning		
Date	November 7, 2005	Reg. No.	35,470

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Dated: November 7, 2005

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Dated: November 7, 2005 Signature: 
(Kevin J. Canning)

Docket No.: IVQ-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael R. Hufford *et al.*

Application No.: 09/825533

Confirmation No.: 9781

Filed: April 2, 2001

Art Unit: 3626

For: SYSTEM FOR CLINICAL TRAIL SUBJECT
COMPLIANCE

Examiner: Martin A. Gottschalk

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed October 7, 2005 (Paper No. 20050921).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I: Claims 1-3 and 47, drawn to a method and medium for use in an electronic device having instructions for execution on the electronic device, for identifying a clinical trial target, classified in class 600, subclass 300;

Group II: Claims 4-30 and 48-52, drawn to a method and medium for use in an electronic device having instructions for execution on the electronic device, for affecting subject compliance, classified in class 705, subclass 2; and

Group III: Claims 31-46 and 53, drawn to a method, electronic device and medium for use in an electronic device having instructions for execution on the electronic device, for monitoring subject compliance in a clinical trial, classified in class 340, subclass 500.

Accordingly, Applicant(s) hereby elect(s) Group II, Claims 4-30 and 48-52 for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. A single, searchable unifying feature, i.e determination and achievement of a clinical trial target reflecting a goal of the clinical trial, such as participant compliance, links all of the claims of Groups I-III.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of Groups I-III can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rel. 78A, August 2001).

That is, even if the groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application. Furthermore, much of the subject matter of non-elected Groups I and III is found in the dependent claims of Group II and would be examined regardless. Therefore, a search for the subject matter of claims 4-30 and 48-52 would include the subject matter of Groups I and III.

In view of this identity of claim elements, and the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in a single application.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group II (claims 4-30 and 48-52). For the Examiner's convenience an Appendix (Appendix A) of the pending claims is attached herewith.

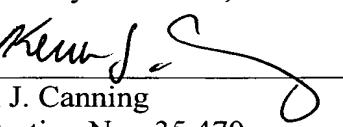
Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. IVQ-0002 from which the undersigned is authorized to draw.

Dated: November 7, 2005

Respectfully submitted,

By 
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